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A CAMPAIGN FOR BALLOT REFORM.

BY THE HON. E. BURD GRUBB.

THE aspect of political affairs in New Jersey in the early summer of 1889 was one calculated to dishearten and dismay the stoutest Republican, or, indeed, the honest man of any party who hoped for good government in the State. The legislature which had just adjourned had been Democratic in both branches, and its course in matters bearing particularly upon the approaching gubernatorial election was certainly calculated to excite suspicion and distrust. An attempt had been made to procure a reform in the ballot laws of the State, and a very excellent bill, drafted by Mr. Kane, the Democratic member from Middlesex County, embodying the best features of the Australian ballot system, had been brought up in the legislature and had been defeated, the Republicans voting for it and the Democrats voting against it. This bill had received the approbation and the support of the labor associations of the State. Then, three very important laws which were upon the statute book and had been for many years, and which were almost the only safeguard for an honest ballot which remained, were repealed. These were:

First, The Personal Registry Law.

Second, The so-called "Sunset Law," which provided for the closing of the polls at sunset, and which was specially directed against the action of the repeaters, whose nefarious work is best performed in the dim light which prevails at the polls between sunset and dark in November; and,

Third, The Jury Commission Law, the repeal of which took the drawing of juries from a non-partisan commission, and placed it in the hands of the sheriffs of the counties. At the time of the repeal of these laws, it was believed and openly charged that the object was to make clear the way for fraud in the coming election.

This condition of affairs did not escape my attention, although I had never been actively engaged in politics beyond being twice

honored with the position of elector on the Presidential ticket. I saw, with considerable apprehension, that my name was being seriously spoken of in connection with the gubernatorial nomination ; at first taken up by old soldiers,—I had just finished a term as Department Commander in the Grand Army of the Republic,—and afterwards by many of the rank and file of the Republican party. I had intended to decline the nomination before the convention met and, but for the following incident, I would have done so : A few days before the convention met the Hon. Roderick B. Seymour, of Jersey City, came to my house. He had been a captain in a regiment I had commanded before Petersburg in 1864. I knew him to be a brave soldier, and, while I had not seen him very frequently since the war, I had followed his career with interest. I knew that he had been in the legislature from Hudson County, and also a judge in Jersey City. He informed me that it was extremely probable I would be nominated in the convention, and said that from his knowledge of the present condition of affairs in Hudson County it would be impossible for me, or any other Republican, to be declared elected.

He said to me: “If you come to Hudson County with 1,000 majority, they will have 2,000. If you come with 2,000, they will have 3,000 ; and if you come with 20,000, they will have 21,000. You cannot possibly be *declared* elected, but it is in your power to do the honest people of New Jersey a great service, if you are willing to sacrifice yourself that far.” I asked him what he meant, and he then said: “If you are nominated and accept, place me on the State Committee, which you will then have the right to do. I am sure that I can bring about a fusion between the Jeffersonian Democrats of Hudson County and the Republicans. You must then make the strongest campaign you can and endeavor to carry the Senate at least, by one or two majority. The harder you make the campaign, the worse the fraud in Hudson County will be against you. We will get the matter before the Senate, and the benefit which I expect will accrue from the fusion with the Jeffersonian Democrats will be that we will get hold of the ballot boxes after election, and the ruffians will not be able to steal them away entirely. If we can get legal possession of these boxes, a condition of affairs will be shown the like of which has never been seen in this country.”

I took the matter into careful consideration, and finally I gave

my hand to Captain Seymour and told him that I would do my part of the work. He alone was in my confidence in this matter.

As soon as I was nominated, at the first meeting of the State Committee thereafter, I asked that Captain Seymour be placed upon the committee, which was done, and he immediately brought about, in the face of considerable opposition, the fusion between the Jeffersonian Democrats of Hudson County and the Republicans. The fusion was on the State Senator and some of the county officers. Turning my attention to the active work of the campaign, I found that the Republican organization in several of the counties was incomplete, the party disorganized and disheartened; and many earnest Republicans met me with the words, "It is of no use. Whatever we do, Hudson County will swamp us;" and this feeling was curiously deep and strong over the whole State.

I made the issue of ballot reform the key note in the campaign. The Democrats refused to re-nominate Mr. Kane in Middlesex, and I requested the Republicans to make him their nominee for Assembly, which they did; and this is the only case in which I personally interfered with the Assembly nominees in the State.

I made an active campaign, crossing the State five times and speaking fifty-one times in six weeks. I found the people strangely uninformed on the subject of ballot reform, and in some places I was obliged to have specimens of the Australian ballot printed and distributed at the meetings. The Democratic orators did not touch upon the subject of ballot reform at this time in the campaign, their efforts being mostly directed to interesting the honest farmers in South Jersey in estimates of how much tax would be collected the coming year upon the rails and ties of the railroads which ran through their farms, that species of taxation being openly promised them.

By the middle of October the campaign had become warm. The Republican party and many people in the State appeared to be awakening and becoming earnest and determined. Our meetings were large and enthusiastic, and in the last week of the campaign it was announced and published that the Democratic candidate for Governor had signed the pledge of the Hudson County Ballot Reform Association. This pledge was partially kept, and the present measure of ballot reform, under which the elections of New Jersey are now held, while still grossly imperfect, is a great deal better than nothing. It was wrung from the

fears of the Democratic party in the last week of the campaign of 1889. The returns of the election declared the Democratic candidate for Governor elected by a majority of over 13,000, practically all of which was from Hudson County. Immediately upon the announcement of the returns from Hudson County, which were not given in full for some days after the election, I wrote to the Chairman of the Republican State Committee, stating that I felt sure that the result was untrue and offered to do whatever might be requisite in the premises. He replied that nothing could be done. A few days after the election a series of very able articles appeared in the *New York Times*, calling public attention to the gross and outrageous frauds which had been perpetrated at the ballot-boxes in Hudson County. Then one Republican candidate for freeholder in that county,—who was apparently beaten by a small majority,—contested the seat of his opponent and succeeded in having one of the ballot-boxes opened, in which were found 105 of the small tissue ballots which were then and there called “joker” ballots for the first time. These tissue ballots were declared illegal by the Democratic Judge, Knapp, and the seat was given to the Republican upon the majority of the regular legal ballots found in the boxes.

The gubernatorial inauguration occurred on the 12th of January, 1890. The result of the election had shown a gain of two Republican Senators, which made the Senate Republican by one majority. A resolution was presented, and passed, in the Senate, directing an investigation into the election for Senator in Hudson County of Mr. McDonald, Democrat, whose majority over Mr. Stuhr, Fusion, and the incumbent at the time, was declared to be something over 8,000. Mr. Stuhr did not contest the election in the courts, but made a protest in the Senate against the seating of Mr. McDonald. An order was obtained from the President of the Senate, directed to the officers having charge of the ballot-boxes in Hudson County, ordering them to produce the ballot-boxes before the Senate in Trenton. These boxes had been carefully watched since the election night—those of Jersey City at the City Hall, and those in the other districts of Hudson County at the Town Halls of the various townships. At this point, every obstacle was thrown in the way by the Jersey City ring, and it was not until the day before the ballots could be legally burned, that by the determined action of the Sergeants-at-Arms of the Senate, under

the supervision of Capt. John Graham, the ballot-boxes were safely placed in the vaults of the State Capitol and carefully guarded.

A committee of three Senators, of whom two were Republicans and one a Democrat, was appointed, all the Democratic Senators voting against the resolution. The Senate Committee retained the Hon. Gilbert Collins and the Hon. William H. Corbin as counsel, and, being impressed with the duty which I owed to the law and order-loving people of the State, I requested the Hon. George M. Robeson to give his attention to the matter, and placed Capt. John Graham, who had been employed in collecting and guarding the ballot-boxes, at their disposal.

Provision for the expenses of the investigation having been refused by the Democratic House of Assembly, the committee applied to me for assistance, which I very gladly afforded them. The committee sat for nearly three months and inspected the contents of all the ballot-boxes in Hudson County. They examined eight hundred and twenty witnesses, and there were one thousand more waiting to be examined when the committee adjourned. They found no fraud, nor any suspicion of fraud, in any of the precincts showing majorities for the Republican ticket, and there were twenty-two of these showing a total honest majority of 1,422, but in the districts showing Democratic majorities they discovered, by the admission of the frightened criminal officers of election, by the testimony of hundreds of willing and unwilling witnesses, and by the incontrovertible evidence of the thousands of fraudulent ballots still in the boxes, each one a stab at the heart of popular sovereignty, each one bearing the evidence of its criminal purpose and of its criminal performance, the most ghastly conspiracy to defeat the will of the people that has ever been dragged to the light of day in the history of our State.

The ballot-box used in New Jersey in 1889 was provided with a piece of mechanism under the slot in the lid, and when the voter handed his ballot to the judge of election it was the duty of that officer to push it through the slot, and thereupon the mechanism stamped it with the name of the district, milled it in dark blue ink across the back, and punctured it directly in the centre of a round mark made in the milling. This was intended to be a safeguard against fraud, and, with even one honest officer on the election board, it probably would have been. We shall see how the Democratic officers of election in Hudson County used it.

The Senate Committee found that in at least ten precincts there had been a wilful false count of the ballots in the box. They found that in 28 precincts in Jersey City and Hoboken nearly 2,000 Democratic ballots were counted and placed upon the strings as genuine ballots, which had been stamped, milled and punctured by mechanism other than that of the box in which the Committee found them. These were some of the infamous "joker" ballots, on light, thin paper, very small, their entire length being only as great as the width of the other Democratic tickets used in the election. These tickets were printed, stamped, distributed and used for fraud. They were intended to give an easy method of depositing two or more votes without detection, and to give the election officers stamped ballots which they could put on the strings without running them through the boxes. Many thousands of these tickets were distributed.

So secure did these scoundrels feel in the commission of their crime that they were not always careful in its concealment, for in the district of Hoboken the genuine ticket had the name correctly spelled, while upon the fraudulent tickets the name was spelled "Hoboeken." In many ballot boxes certainly hundreds, if not thousands, of ballots were found which had not been stamped, milled or punctured, while other ballots in the same box bore all these marks clearly and plainly. Many more which were punctured bore no other evidence of having been put through the mechanism of the box, showing that they had been pushed through the slot in bunches and not singly.

The repeal of the personal registry law relegated this election purposely to the provision of a former and most pernicious law which allowed names to be entered on the registry lists by the affidavits of irresponsible persons. This, by the collusion of the election officers, produced one of the worst phases of the fraud. It has been ascertained that about 12,000 fictitious names were registered. A canvass of Hudson County which I had made after the election, and before the Senate Committee met, indicated even worse than that. There was direct evidence before the committee that repeating was very extensively done. Names were used of men who had been dead many years, and their families came and testified to this. Twenty-seven men were registered from a house that was ascertained to have been torn down two years previously. Seven men were registered and voted

as living in a certain house, and a maiden lady who there lived alone came and testified to that fact in a way that carried conviction to all, including the election officers. Evidence was produced showing that gangs of repeaters were brought from the Bowery lodging houses in New York to Jersey City, each of whom voted ten times in the Fourth and other districts.

The extent to which the substitution of false ballots, that is, the taking out of the boxes the Republican ballots and replacing them with Democratic ballots, was practised, it is impossible to say, but that it was done was proved. In one precinct a large number of ballots were left in the box after the counting was done. These the Democratic Judge of Election burned up.

In other districts there were indications of the same fraud. The Democratic ticket was counted as straight, no scratching or pasters being noticed by the election officers. A friend of mine at his own instance went over the ballots of a few of the precincts while the Senate Committee were examining them, and tallied nearly two thousand of my pasters which were on the regular Democratic ticket, and which had never been counted for me, but on the contrary had been counted for the Democratic candidate. The Senate Committee reported that the Hudson County Democratic Committee, composed of one hundred and twenty-nine members with their officers, met on the night before election at their headquarters in Jersey City. On a table in front of them lay several thousand of the small ballots, before referred to as "Jokers," put up in small packages, making a mass about as large as a ballot box. It is in evidence that about twenty thousand of these were printed. On the table were also packages of money, one for each precinct. The Secretary called the roll and the members came forward, one by one, and to each was handed a package of the regular tickets for his precinct and a parcel of money, and to those who would take them there was also given a package of the small "Joker" ballots. Many did take them; some did not. The report of the Committee unseated McDonald and seated Stuhr, all the Democratic Senators voting against it. The following autumn McDonald was sent to Congress, but before he went he took his seat in the Senate, Stuhr being unseated by vote of the Democratic Senators.

Soon after the majority report of the Senate Committee was made the Secretary of the Hudson County Ballot Reform Associa-

tion presented the matter to the Grand Jury of Hudson County and asked for an indictment of the election officers. On account of the power of the ring it was found impossible to obtain an indictment for actual fraud at the ballot-boxes, but the pressure of public opinion which was then aroused, was too strong to be altogether ignored, and the Grand Jury indicted sixty-seven (67) election officers in Hudson County for conspiracy to defeat the election laws, it being supposed that conspiracy would be the most difficult charge upon which to obtain a conviction.

Of the eighty-one judges of the courts in New Jersey only five are Republicans, and none of these has jurisdiction in the State Courts in Hudson County, but the interests of law and order and of good and honest government have been nobly upheld by the Democratic Judges Knapp and Lippincott, before whom the cases were tried, and the Democratic Prosecutor, Mr. Winfield, who has been faithful and untiring in the discharge of his duty.

The Court decided to try the election officers of each precinct as an unit, and took the drawing of the jury out of the hands of the Sheriff, who was the Chairman of the Democratic County Committee, and ordered struck juries; that is, forty-eight men were selected by the Court, of whom the Prosecuting Attorney and the counsel for the accused had each the right to strike off twelve names, leaving a list of twenty-four, from which the jurors were drawn in the ordinary manner. The election officers were defended by very able counsel, retained and paid by the Democratic ring, and through all of this contest between law and order and lawlessness and disorder these now convicted criminals have lacked neither counsel, assistance nor money, and every device known to their adroit and unscrupulous aiders and abettors has been exhausted to save them from their punishment.

The first trial took place on June 23, 1890, and lasted until Monday, June 30, and the first four election officers were found guilty after the jury had been out but forty minutes. An appeal was taken on these cases on the technical ground that each prisoner was entitled to twelve challenges under the law. This, of course, would have more than exhausted the panel of the "struck jury." Pending the appeal the accused were placed under \$3,500 bail, which was immediately furnished, making the total bail bonds of these criminals amount to more than \$100,000, which was easily furnished by those who stood behind them. The appeal

was defeated in the Supreme Court, and was then carried to the Court of Errors and Appeals, and after a delay of two years,—which delay, by reason of the statute of limitation, protected from indictment those who were probably the principal criminals,—in the month of June, 1892, was decided against the appellant. At last outraged justice had its due, and these pitiful tools, broken in the using, were sent to prison for various terms of from nine to eighteen months and subjected to a fine of \$500 each.

Sixty-seven officers who certified to the Democratic majority in Hudson County were indicted for conspiracy to defeat the election laws. Of these, twenty-one are now in the State prison ; one is out on bail, pending an appeal ; twelve are in the penitentiary ; one is in the City Hospital dangerously ill and not yet tried ; three were acquitted ; two are dead. The case against three was “*nolle prossed*.” One forfeited his bail and paid \$2,000 and has not been tried. One was fined \$250. One fled and has not been arrested, and twenty-one have been convicted and not yet sentenced. Fifteen pleaded guilty.

The difficulties in obtaining this result cannot be overestimated. These criminals were aided and abetted by men who had money and power—some are known, others are more than suspected. Nothing that devilish ingenuity could devise or fear suggest has been left undone to defend and save them.

It is a terrible commentary upon the possibility of evil in our State that every known aider and abettor has been appointed to office under the State Government, and that these very criminals themselves, now clad in stripes behind prison bars, after their crime had been exposed by the Senate investigation, were appointed by the Democratic party in Hudson County as officers of the election in the spring of 1890, and conducted that election. These same criminals, after they were indicted and convicted, were borne upon the pay-rolls of Jersey City and Hudson County, and paid by the money of the people for services not rendered by them, and one, immediately upon his release from his nine months' imprisonment, under indictment and conviction for conspiracy, has been replaced in his old position and his name is now borne upon the pay-rolls of the city at \$1,200 per year.

The true result of this election no man has ever known. The truth is buried so deep in heinous fraud that human probe will never reach it. But, throwing out the returns from these districts,

whose election officers were sent to jail by Democratic courts, and taking no account of the similar frauds, all in the interest of the Democratic ticket, openly charged and in some cases clearly shown, in other counties of the State, and standing on the honest, undisputed legal ballots which were cast and counted for me, and against which not a breath of suspicion was raised in all the State, I was elected Governor of New Jersey.

I did not make a contest, for this would have aroused partisan feeling and made still more difficult, if not impossible, the great result which has been achieved. An honest election can now be held in New Jersey. I have proved that three years ago this was impossible.

The honest people of New Jersey will always revere the memory of Judge Knapp, who fell dead in the discharge of his duty, fighting against the crimes of these very men, and those behind them. They will honor Judge Lippincott, the honest and incorruptible Jerseyman, who despises that which is evil and supports faithfully and loyally that which is good—and they will not forget the services of Charles Winfield, the Prosecuting Attorney, whose untiring zeal and fiery eloquence have been more than a match for the powers of evil which were arrayed against him; neither will they forget the services of Capt. John Graham of Jersey City, an honest, faithful, and fearless Republican, who has followed these felons to their den and dragged them to the light of day, and whom I have seen bruised, bloody and beaten in the discharge of his duty, but who, when once he seized his man, never relaxed his grip until he had him safe in jail.

As for myself, the people of New Jersey may remember that in the last sentence of my letter accepting the nomination for Governor, I said I would rather be defeated in a fair and honest contest than receive an election tainted with any suspicion of fraud at the ballot-box.

I have not changed my opinion.

EDWARD BURD GRUBB.